



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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**MEMORANDUM**

**SUBJECT:** Certification of "Accuracy" of Information Submissions of Test Results  
Measuring Whole Effluent Toxicity

**FROM:** Charles S. Sutfin, Director  
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**TO:** Regional Water Management Division Directors, Regions I-X  
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In litigation challenging EPA rulemaking to standardize analytic testing procedures for whole effluent toxicity, questions arose regarding the significance of certification requirements for information submissions when the person signing the information submission certifies to the "accuracy" of that information. Confusion has arisen over use of the term "accuracy," which is a term of art to describe a performance characteristic of a measurement system. The purpose of this memorandum is to clarify that the Agency's intent is that a certification of "accuracy" in information submissions is a certification that the information provided is "accurate" as the layperson uses the term, rather than "accurate" as that term is used to describe the quantifiable performance of a measurement system.

Regulations implementing the National Pollutant Discharge Elimination System ("NPDES") permitting program require that, for various information submissions required by the regulations (e.g., permit applications, discharge monitoring reports, etc.), the person submitting the information sign a certification statement to accompany the information submission. The person signing a document must make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, *accurate*, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations 40 C.F.R. 122.22(d) (emphasis added).

The purpose of the certification requirement is primarily to ensure that the person submitting the information certifies the veracity of statements made in the forms and acknowledges liability for false statements. 43 Fed. Reg. 37078, 37079 (Aug. 21, 1978)

In EPA documents associated with testing procedures for measuring whole effluent toxicity, the Agency stated that the "accuracy" of toxicity tests cannot be determined in a meaningful way. "Accuracy" in that context is a specialized, scientific term (a term of art) used to describe a performance characteristic of a measurement system. Recognizing that accuracy as a performance characteristic to describe whole effluent toxicity testing cannot be quantified, however, does not diminish the value of a document certifying to the accuracy of information submissions pursuant to 40 C.F.R. 122.22(d). When a person certifies the accuracy of an information submittal as described above, that person does not certify the accuracy of the measurement system. When a person certifies that the submission of WET testing information is "accurate" to the best of their knowledge and belief, the person certifies that the results obtained using the WET testing procedures are faithfully and truthfully transcribed on the information submission, and that the results were, in fact, results that were obtained using the specified testing procedures.

cc: Laura Phillips  
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